

OFFICIAL

Revision: HCFA-PM-91-4 (BPD)  
AUGUST 1991

ATTACHMENT 2.6-A  
Page 1  
OMB No.: 0938-

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
Territory: VIRGIN ISLANDS

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation

Condition or Requirement

A. Each individual covered under the plan meets the following conditions:

42.CFR Part 436, 1. Is financially eligible to receive services.  
Subpart G

42.CFR Part 436, 2. Meets the applicable non-financial eligibility  
Subpart F conditions.

a. (i) Except as specified under items A.2.a.(ii) and (iii) below, for categorically needy individuals, meets the non-financial eligibility conditions of the related cash assistance program.

1902(l) of the  
Act

(ii) For pregnant women and infants or children with incomes up to a percentage of the Federal poverty level covered as optional groups under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), and 1902(a)(10)(A)(ii)(IX) of the Act, meets the non-financial criteria of section 1902(l) of the Act.

1902(m) of the  
Act

(iii) For aged and disabled individuals with incomes up to the Federal poverty level covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

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TN No. 87-1

Approval Date FEB 03 1992

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
Territory: Virgin Islands

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation	Condition or Requirement
	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 436.
1905(p) of the Act	c. For qualified Medicare beneficiaries, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For qualified disabled and working individuals, meets the non-financial criteria of section 1905(s).
1902(A)(10)(E)(iii) of the Act	e. For specified low-income Medicare beneficiaries, meets the non-financial criteria of section 1905(p) of the Act.

Not Applicable

TN No. 94-3 Approval Date OCT 27 1994 Effective Date JUL 1 - 1994  
Supersedes  
TN No. 91-6

Territory: VIRGIN ISLANDS

Citation

Condition or Requirement

42.CFR  
436.402

3. Is residing in the United States and --

a. Is a citizen;

Sec. 245A of the  
Immigration and

b. Is an alien lawfully admitted for permanent residence, or otherwise permanently residing Nationality Act in the United States under color or law, as defined in 42 CFR 435.408;

1902(a) and 1903(v) of the Act, P.L. 99-509 (Section 9406) Sec. 245A(h)(3)(B) of the Immigration and

c. Is an alien granted lawful temporary resident status under sections 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(1) of the Act, Nationality Act under 18 years of age, or a Cuban/Haitian entrant as defined in section 501(e)(1) and (2)(A) of Public Law 96-422;

d. Is an alien granted lawful temporary resident status under section 210 of the Immigration and Nationality Act not within the scope of c. above (coverage must be restricted to certain emergency services during the five-year period beginning on the date the alien was granted eligibility); or

e. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (coverage must be restricted to certain emergency services).

P.L. 99-603  
(Section 201)

f. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color or law.

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# OFFICIAL

Revision: HCFA Region II (MB)  
1991

ATTACHMENT 2.6-A  
Page 3a

## Condition or Requirement

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8. Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility except for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).

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Territory: VIRGIN ISLANDS

Citation	Condition or Requirement
42 CFR 436.403 1902(b) of the Act	4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.  — State has interstate residency agreement with the following States:  — State has open agreement(s).  — Not applicable; no residency requirement.
42.CFR 436.1004 1905(a) of the Act.	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, intermediate care facilities, or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.  b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program.  —X Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.

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TN No. <u>87-1</u>		HCFA ID: 7984E

Territory: \_\_\_\_\_

Citation	Condition or Requirement
42 CFR 433.145 and 436.604 1912 of the Act	6. Is required, as a condition of eligibility, to assign rights to medical support and to payment for medical care from any third party, to cooperate in obtaining such support and payments, and to cooperate in identifying and providing information to assist in pursuing any liable third party. The assignment of rights obtained from an applicant or recipient is effective only for services that are reimbursed by Medicaid. The requirements of 42 CFR 433.146 through 433.148 are met.  ____ Assignment of rights is automatic because of State law.
42 CFR 436.901	7. Is required, as a condition of eligibility, to and 435.910 furnish his/her social security account number (or numbers, if he/she has more than one number).
1902(1)(4)(C) of the Act	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under section 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman, to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.

TN No. 91-6  
Supersedes \_\_\_\_\_  
TN No. 87-1

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# PROGRAM MEMORANDUM

## Medicaid State Agencies

Department of Health  
and Human Services

Health Care Financing  
Administration

Transmittal No. 97-2

Date DECEMBER 1997

TO: STATE AGENCIES ADMINISTERING MEDICAL  
ASSISTANCE PROGRAMS

SUBJECT: TITLE XIX OF THE SOCIAL SECURITY ACT, POST-ELIGIBILITY  
TREATMENT OF INCOME

### STATUTORY REFERENCES

- o Section 1902(a)17 of the Social Security Act.
- o Section 1924 of the Social Security Act, Section 303(a) of the Medicare Catastrophic Coverage Act of 1988, and OBRA 89, 90, 93.
- o Section 1902(r)(1) of the Social Security Act.
- o – Section 1902 (o) of the Social Security Act. SSI and SSP benefits paid under section 1611(e)(1)(E) and (G) of the Act.
- o Section 500-506 of the Austrian General Social Insurance Act. SSI court decision Bondi vs. Sullivan.
- o Section 105(f)(2) and 206(d) of Public Law 100-383, the Civil Liberties Act of 1988.
- o Section 1. (a) of Public Law 103-286.
- o Section 10405 of Public Law 101-239, the Omnibus Budget Reconciliation Act of 1989 (OBRA 89).
- o Section 6(h)(2) of Public Law 101-426, the Radiation Exposure Compensation Act.
- o 38 U.S.C. 5505, Section 12005 of Public Law 103-66.

- BACKGROUND:
- o Section 1902(a)17 of the Social Security Act, general authority for the post-eligibility process.
  - o Section 1924 of the Social Security Act. Special rules governing institutionalized spouses with community spouses. Section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by OBRA 89, 90, 93. These rules do not apply to the Territories.

Based on the legislation listed below, the following items are not considered income in the post-eligibility process:

- o Reparation payments made by the Federal Republic of Germany section 1902(r)(1) of the Act as amended by section 4715 of the Omnibus Budget Reconciliation Act of 1990(OBRA (90)).



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Care Financing Administration

7500 SECURITY BOULEVARD  
BALTIMORE MD 21244-1850

NOTE TO: Respondents

SUBJECT: State Plan Preprint Post-Eligibility

After you have completed the preprint please provide the following feedback:

1. How long did it take you to complete the revised preprint?

\_\_\_ # of Hours

2. What is your reaction to the new design of the of the preprint? (check one)

1. \_\_\_ Like the design of the revised preprint.

2. \_\_\_ No reaction to the design of the revised preprint.

3. \_\_\_ Do not like the design of the revised preprint. (Would make the following changes to the design of the revised preprint).

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3. Optional: any other comments on the revised preprint. \_\_\_\_\_

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Please submit your response with your preprint. Question on this preprint should be directed to Jackie Wilder. She can be reached on (410) 786-4579.



State: \_\_\_\_\_

Citation	Condition or Requirement
<b>B. Posteligibility Treatment of Institutionalized Individuals' Incomes</b>	
	1. The following items are not considered in the posteligibility process:
1902(o) of the Act	a. SSI and SSP benefits paid under §1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital, nursing home, SNF, or ICF.
Bondi v Sullivan (SSI)	b. Austrian Reparation Payments (pension (reparation) payments made under §500 - 506 of the Austrian General Social Insurance Act). Applies only if State follows SSI program rules with respect to the payments.
1902(r)(1) of the Act	c. German Reparations Payments (reparation payments made by the Federal Republic of Germany).
105/206 of P. L. 100-383	d. Japanese and Aleutian Restitution Payments.
1. (a) of P.L. 103-286	e. Netherlands Reparation Payments based on Nazi, but not Japanese, persecution (during World War II).
10405 of P.L. 101-239	f. Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
6(h)(2) of P.L. 101-426	g. Radiation Exposure Compensation.
12005 of P. L. 103-66	h. VA pensions limited to \$90 per month under 38 U.S.C. 5503.

TN No. \_\_\_\_\_  
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Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_

TN No. \_\_\_\_\_

State: \_\_\_\_\_

Citation	Condition or Requirement
1924 of the Act 435.725 435.733 435.832	<p>2. The following monthly amounts for personal needs are deducted from total monthly income in the application of an institutionalized individual's or couple's income to the cost of institutionalized care:</p> <p>Personal Needs Allowance (PNA) of not less than \$30 For Individuals and \$60 For Couples For All Institutionalized Persons.</p> <p>a. Aged, blind, disabled: Individuals \$ _____ Couples \$ _____</p> <p>For the following persons with greater need:</p> <p>Supplement 12 to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.</p> <p>b. AFDC related: Children \$ _____ Adults \$ _____</p> <p>For the following persons with greater need:</p> <p>Supplement 12 to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.</p> <p>c. Individual under age 21 covered in the plan as specified in Item B. 7. of <u>Attachment 2.2 -A</u>. \$ _____</p>

TN No. \_\_\_\_\_  
Supersedes \_\_\_\_\_ Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_

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